

05-29-01

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PTO/SB/29 (12/97)

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

05/25/01

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Attorney Docket No.	9196-019-999	Total Pages
First Named Inventor or Application Identifier		5989
Jean-Louis Dasseux		5989
Express Mail Label No.	EL 451 596 906 US	5989

## APPLICATION ELEMENTS

*See MPEP chapter 600 concerning utility patent application contents.*

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. <input checked="" type="checkbox"/> Fee Transmittal Form <i>Submit an original, and a duplicate for fee processing)</i>	[Total Pages <u>140</u> ]	6. <input type="checkbox"/> Microfiche Computer Program ( <i>Appendix</i> )
2. <input checked="" type="checkbox"/> Specification <i>(preferred arrangement set forth below)</i>		7. <input checked="" type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i>
-Descriptive title of the Invention		
Cross Reference to Related Applications		
-Statement Regarding Fed sponsored R&D		
-Reference to Microfiche Appendix		
-Background of the Invention		
Brief Summary of the Invention		
-Brief Description of the Drawings ( <i>if filed</i> )		
-Detailed Description of the Invention (including drawings, <i>if filed</i> )		
-Claim(s)		
-Abstract of the Disclosure		
3. <input checked="" type="checkbox"/> Drawing(s) /35 USC 113/	[Total Sheets <u>11</u> ]	8. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))
4. <input checked="" type="checkbox"/> Oath or Declaration	[Total Sheets <u>2</u> ]	9. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney <i>(when there is an assignee)</i>
a. <input type="checkbox"/> Newly executed (original or copy)		
b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 17 completed)</i>		
<i>[Note Box 5 below]</i>		
i. <input type="checkbox"/> <u>DELETION OF INVENTOR(S)</u>		
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33 (b).		
5. <input checked="" type="checkbox"/> Incorporation By Reference ( <i>useable if Box 4b is checked</i> )	The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.	
a. <input type="checkbox"/> Computer Readable Copy		
b. <input checked="" type="checkbox"/> Paper Copy (identical to computer copy)		
c. <input type="checkbox"/> Statement verifying identity of above copies		
<b>ACCOMPANYING APPLICATION PARTS</b>		
8. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))		
9. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney <i>(when there is an assignee)</i>		
10. <input type="checkbox"/> English Translation Document ( <i>if applicable</i> )		
11. <input type="checkbox"/> Information Disclosure <input type="checkbox"/> Copies of IDS Statement (IDS)/PTO-1449 Citations		
12. <input checked="" type="checkbox"/> Preliminary Amendment		
13. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i>		
14. <input checked="" type="checkbox"/> Applicant claims Small Entity status, see 37 C.F.R. § 1.27		
15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i>		
16. <input type="checkbox"/> Other:		

17. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information:

Continuation  Divisional  Continuation-in-part (CIP)  of prior application No: 09/465,719 filed December 17, 1999.

**18. CORRESPONDENCE ADDRESS**

Customer Number: 24341

or  Correspondence address below

NAME						
ADDRESS						
CITY			STATE		ZIP CODE	
COUNTRY		TELEPHONE			FAX	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

jc962 U.S. PTO  
05/25/01

PENNIE & EDMONDS LLP DOCKET NO. 9196-019-999

Express Mail No.: EL 451 596 906 US

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior application: Examiner Russell, J.

Art Unit 1653

Assistant Commissioner for Patents  
Box PATENT APPLICATION  
Washington, D.C. 20231

Sir:

This is a request for filing a  continuation  divisional application under 37 CFR § 1.53(b), of pending prior Application Serial No. 09/465,719 filed on December 17, 1999.

of Jean-Louis Dasseux, Renate Sekul, Klaus Buttner, Isabelle Cornut and Gunter Metz  
(inventor(s) currently of record in prior application)

for APOLIPOPROTEIN A-1 AGONISTS AND THEIR USE TO TREAT DYSLIPIDEMIC DISORDERS  
(title of invention)

1.  The filing fee is calculated below:

## PATENT APPLICATION FEE VALUE

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	Fee
Total Claims	14	-20	0	\$18.00 each	\$ 0.00
Independent	2	-3	0	\$80.00 each	\$ 0.00
			Basic Fee		\$ 710.00
			Multiple Dependency Fee If Applicable (\$270.00)		\$ 270.00
			<b>Total</b>		\$ 980.00
			50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern		- \$ 490.00
			<b>Total Filing Fee</b>		\$ 490.00

2.  Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

3.  Amend the specification by inserting before the first line the following sentence: This is a continuation of Application Serial No. 09/465,719, filed December 17, 1999. <sup>now U.S. Patent No. 6,265,377</sup>

4a.  Transfer the drawings from the prior application to this application and abandon the prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.

4b.  New formal drawings are enclosed.

4c.  Informal drawings are enclosed.

5a.  Priority of application no. filed on in is claimed under 35 U.S.C. §119.

5b.  The certified copy has been filed in prior application no. , filed .

6.  The prior application is assigned of record to Esperion Therapeutics, Inc.

7a.  The Power of Attorney appears in the original papers in the prior application no. , filed .

7b.  Since the Power of Attorney does not appear in the original papers, a copy of the Power in prior Application Serial No. 09/465,719, filed December 17, 1999 is enclosed.

8.  This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior Application Serial No.09/465,719, filed on December 17, 1999 be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from Application Serial No. 09/465,719 is enclosed.

9.  The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from Application Serial No. 09/465,719 is the same as the content of the computer readable form submitted in Application Serial No. 09/465,719.

10.  Additional enclosures or instructions. Please enter the Preliminary Amendment canceling Claims 1, 16-18, 25, 33, 40 and 50 prior to calculating the fee.

Respectfully submitted,

Date: May 25, 2001

 42,983  
Rahul Pathak (Reg. No.)

For: Laura A. Coruzzi (Reg. No. 30,742)  
**PENNIE & EDMONDS LLP**  
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